IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 7966 of 2005

Between:

C. Chennamma, W/o Chennaiah (late),
R/o Gupta Nagar, Maithkur Road, Madakalavari Grampanchayat,
Gopavaram Mandal, Kadapa District.

..... PETITIONER

AND

1 The District Collector, Kadapa District, Kadapa.
2 The Revenue Divisional Officer, Rajampet Division, Kadapa District.
3 The Mandal Revenue Officer, Gopavaram Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropraite writ order or direction particularly one in the nature of 'Writ of Mandamus' declaring the action of the 1st respondent in not considering and disposing of the petitioner's representation dt. 2-1-2005 is arbitrary illegal and violative of Article 14 and 21 of the Constitution of India, and consequently direct the 1st respondent to consider and dispose of the petitioner's representation dated 2-1-2005 for survey and demarcation of the land where the petitioner's house was situated or alternatively for allotting house site in any locality of Medakalavari Grampanchayat area, Gopavaram Mandal, Kadapa District and pass such other order or orders as may be just.

Counsel for the Petitioner:MR.CHANDRAIAH SUNKARA

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORDER:-

This writ petition is filed by the petitioner to direct first respondent to consider her representation dated 2-1-2005 for providing house-site as per G.O.Ms.No.90 Social Welfare (LA.I) Department dated 24-9-2001 under which the State Government has given some guidelines as to how the house-sites have to be provided to the weaker sections of the Society since the land is acquired by the Government to provide house-sites.

It is the case of the petitioner that she and her family have been living in an extent of Ac.0-03.25 guntas of Government site in S.No.863 situate at Gupta Nagar, Madakalavari Gram Panchayat by constructing pucca building along with a shed and her husband has been carrying on welding activity in the said shed. It is her further case that some third parties filed suit O.S.No.146/85 on the file of Munsif Magistrate, Badwel against her husband contending that they are the owners of the land in S.No.863, including the above site in which they are living. Ultimately, the said suit was decreed and the appeal filed against the said decree and the Judgment was also dismissed. Plaintiffs in the above suit filed E.P.No.200/97 in O.S.No.146/85 and got removed her house on 30-12-2004. It is stated in the affidavit filed in support of the writ petition that at the time of removing the house, the Mandal Revenue Officer of Gopavaram Mandal gave assurance that he will provide alternative house-site. Accordingly, the petitioner herein made an application and the same was not considered from January, 2005. Therefore, she filed the present writ petition.

Having heard the arguments on either side and considering the material on record and on the facts and in the circumstances of the case, prima facie, I am of the view that the G.O., referred to above, is not applicable to the facts of the present case. If any assurance is given by the Mandal Revenue Officer, Gopavaram Mandal during the course of Execution Petition, it is for the Mandal Revenue Officer to consider the representation of the petitioner for providing alternative site.

Accordingly, this writ petition is disposed at the admission stage of directing third respondent herein to consider the representation of the petitioner and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7—6—2005.

Stv/-

To

1 The District Collector, Kadapa District, Kadapa.
2 The Revenue Divisional Officer, Rajampet Division, Kadapa District.
3 The Mandal Revenue Officer, Gopavaram Mandal, Kadapa District.

4 Two CCs to GP for Revenue, High Court Buildings, Hyderabad. (OUT)